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In response to a court order, the CIA has spelled out in detail for the first time its policy on material that current and former agents must submit to agency review before publication.

The agency said its prepublication review requirement extends to anything written or oral that "contains any mention of intelligence data or activities or which is based on [classified] information. . . .," including fiction.

The policy, accompanied by an affidavit by Intelligence Director Stansfield Turner and a list of more than 100 former agents who have submitted book, magazine or newspaper manuscripts for prepublication review in the past three years, was filed in U.S. District Court September 19.

Judge Gerhard Gesell asked for the policy report while trying to get the government and attorneys for Philip Agee, an author and former agent, to reach a compromise on their suits in his court. Agee brought suit under the Freedom of Information Act to force the CIA to provide him with all the information it has collected on him in the past 11 years. The CIA has estimated that the material would amount to 43,000 pages. The government responded with a suit to require Agee to pay the government the royalties from his CIA-related books and to submit all of his future writings to the CIA for prepublication review. (See page 12 for outcome.)

The problems of Agee, now a resident of Hamburg, West Germany, in getting a visa to visit the United States, are not involved in the suits.

In a court hearing, Gesell wondered aloud whether the government was not selectively enforcing its review policy and thereby infringing on Agee's First Amendment rights. He asked for a CIA report on its policy.

The CIA's review policy, according to its report, applies not only to books but "to all other forms of written materials intended for public disclosure, such as (but not limited to) newspaper columns, magazine articles, letters to the editor, book reviews, pamphlets and scholarly papers." And, the report added, "Because alleged fictional treatment can be used as a subterfuge to convey factual information, fiction about the CIA or other intelligence activities is covered by the agreements."

The agent or former agent also cannot skirt the agreement by getting a "ghost writer, spouse or friend," to prepare the material, the policy says.

Although Turner repeated in his affidavit the CIA's earlier contention that it does not discriminate against CIA critics in its review policy, he admitted it has sought court action only against critics. He said those suits were limited to flagrant violations of the secrecy agreement and to cases where only court action would get future compliance.

H.F.